

## ARTICLE 67:40

### OFFICE OF ADULT SERVICES AND AGING

#### Chapter

- 67:40:01 ~~General provisions for grant awards~~Repealed.
- 67:40:02 ~~Grantee financial standards and procedures~~Repealed.
- 67:40:03 ~~Project reporting~~Repealed.
- 67:40:04 ~~Procurement standards~~Repealed.
- 67:40:05 ~~Property management~~Repealed.
- 67:40:06 ~~Procedures for awards~~Repealed.
- 67:40:07 ~~Homemaker services~~Repealed.
- 67:40:08 Adult protective services.
- 67:40:09 ~~Transportation services~~Repealed.
- 67:40:10 ~~Community placement services~~Repealed.
- 67:40:11 ~~Title XX~~Repealed.
- 67:40:12 Attendant care program, Repealed.
- 67:40:13 ~~Assessments~~Repealed.
- 67:40:14 ~~Adverse action~~Repealed.
- 67:40:15 ~~Adult day care services~~Repealed.
- 67:40:16 Health screening services, Repealed.
- 67:40:17 ~~Nutrition services~~Repealed.
- 67:40:18 ~~Respite care services~~Repealed.

## CHAPTER 67:40:01

### GENERAL PROVISIONS FOR GRANT AWARDS

(Repealed)

#### Section

- ~~67:40:01:01 Definitions.~~
- ~~67:40:01:02 Grantee compliance with standards.~~
- ~~67:40:01:03 Discrimination prohibited.~~
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- ~~67:40:01:05 Publications.~~
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- ~~67:40:01:07 State licensure requirements.~~
- ~~67:40:01:08 Fees prohibited for services to eligible persons -- Voluntary contributions  
accepted.~~
- ~~67:40:01:09 Project income -- Participant donations.~~
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- ~~67:40:01:10 Functions of the advisory council.~~
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- ~~67:40:01:12 Equal opportunity for employment.~~
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- ~~67:40:01:14 Means test.~~
- ~~67:40:01:15 Eligibility for participation.~~
- ~~67:40:01:16 Maintenance of nonfederal support.~~

67:40:01:01. Definitions. Terms used in this article mean:

- ~~—(1) "Applicant," a public or private nonprofit agency, organization, institution, political subdivision, Indian tribal organization, private individual, or contractor who has submitted an application to the department for funds administered by the department;~~
- ~~—(2) "Award," approval by the department, acting upon the advice of the council, of funding an application formalized through a signed contract, an agreement for purchase of service, a memorandum of agreement, or a notification of approved budget;~~
- ~~—(3) "Council," the South Dakota Advisory Council on Aging;~~
- ~~—(4) "Department," the Department of Social Services;~~
- ~~—(5) "Direct services," services provided by an employee of the department to an eligible person;~~
- ~~—(6) "Grantee," an applicant who has signed an agreement with the department to participate in funding administered by the department;~~
- ~~—(7) "Greatest social need," need created by noneconomic factors which may result in an individual becoming socially isolated, unable to perform daily tasks, or unable to live independently;~~
- ~~—(8) "Long-term care facility," a facility which meets the definition of a nursing facility or an assisted living center contained in SDCL 34-12-1.1;~~
- ~~—(9) "Older persons," persons 60 years of age or older;~~
- ~~—(10) "Ombudsman program," a federally required program that receives, investigates, and resolves complaints that affect the health, safety, welfare, or rights of residents in long-term care facilities;~~
- ~~—(11) "Project," the activity undertaken by a grantee under the terms of an award;~~
- ~~—(12) "Project income," income from participant donations for project-supported activities such as meals, rides, or care and income from reimbursements for fees, equipment sales, insurance claims, or royalties; and~~

~~—(13) "Unduplicated person," a person who has received a service and is counted just once during a specified period of time.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987; 22 SDR 16, effective August 17, 1995.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:02. Grantee compliance with standards. Grantees receiving funds from the department shall comply with the standards in chapters 67:40:01 to 67:40:06, inclusive. In addition, grantees shall comply with the remaining applicable rules in this article.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:03. Discrimination prohibited. A grantee may not discriminate in the provision of services to an eligible individual by reason of race, religion, sex, physical and mental disabilities, or marital status. An applicant for project support shall submit to the department a statement of compliance with the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, § 504, as an attachment to or a part of the application.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:05. Publications. A grantee shall reserve to the department a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or authorize the use of any publication published with grant funds. On the department's request, the grantee shall furnish to the department free copies of the publications. The number of copies requested by the department may not exceed 15. Publications supported from department funds shall contain an acknowledgement of that support.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:06. Confidentiality. No information about, or obtained from, an individual, and in the possession of a grantee providing services to the individual, shall be disclosed in a form identifiable with the individual without the consent of the individual.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:07. State licensure requirements. Each grantee must comply with any and all state or local public jurisdictions which require licensure for the provision of social services.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:08. Fees prohibited for services to eligible persons -- Voluntary contributions accepted. A grantee may not charge for services provided to eligible persons. A grantee shall develop and publicize a suggested donation schedule for services provided and shall notify recipients of the cost for each unit of service provided. Ineligible persons shall pay the full cost for the services provided.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~—Cross Reference: Eligibility for participation, § 67:40:01:15.~~



~~67:40:01:09. Project income -- Participant donations. Project income received in the form of participant donations shall be handled in the following manner:~~

~~—(1) The grantee shall retain the income received from participant donations up to the amount shown for donations on the department's notification of approved budget form;~~

~~—(2) The grantee shall deduct from the total project cost the amount shown on the form for donations for the purpose of determining the net cost on which the federal share will be based;~~

~~—(3) Donations earned in excess of the amount shown on the form shall be retained by the project and used either to offset increased program costs due to increased units of service within the project year or to be spent within the following year. Excess funds may be used on items such as expansion of services, equipment, supplies, maintenance, volunteer recognition, publicity, and fundraising and may be used to offset deficits between the congregate and the home-delivered meals programs. The grantee must have a plan which indicates the intended use of the excess donations. The department must approve the plan before the funds are spent;~~

~~—(4) If the project has terminated under the conditions of subdivision 67:40:14:01(3), has otherwise ended, or does not have an approved plan, the donations must be deducted from the total project cost;~~

~~—(5) Donations may not be used to replace local match money.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:09.01. Project income -- Reimbursements. The grantee shall retain the project income received from reimbursements but shall deduct the amount of that income from the total project cost for the purpose of determining the net cost on which the federal share of costs will be based.~~

~~—When a grant has been terminated under the conditions of subdivision 67:40:14:01(3) or has otherwise ended, the grantee shall return to the department the federal share of any royalty which exceeds \$200 annually, computed on the same ratio as the federal share of the project's funding.~~

~~—Source: 14 SDR 85, effective December 21, 1987.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:10. Functions of the advisory council. The council shall advise the department on policy for approving and administering grant programs.~~

~~Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~General Authority: SDCL 28-1-45.~~

~~Law Implemented: SDCL 28-1-44.~~

~~67:40:01:11. Services targeted to older persons. A grantee shall target services to older persons with the greatest social and economic needs and without regard to sex, religion, marital status, or other personal characteristics.~~

~~—Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~—Cross-Reference: Discrimination prohibited, § 67:40:01:03.~~

~~67:40:01:12. Equal opportunity for employment. A grantee shall hire and promote employees on the basis of qualifications and performance. Preference shall be given to older persons.~~

~~—Source: 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:13. Affirmative action. A grantee shall establish an affirmative action plan to insure the employment of minorities, older persons, and women at a level not less than the percentage of each group to the total population of the service area.~~

~~—Source: 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:14. Means test. A grantee may not apply an income test of any kind to determine eligibility for services.~~

~~—Source: 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:01:15. Eligibility for participation. Unless otherwise specified, an individual is eligible to receive services under this article if the individual meets the following criteria:~~

- ~~—(1) Is at least 60 years old;~~
- ~~—(2) Has income at or below the federal poverty level as established in § 67:11:01:03; and~~
- ~~—(3) Has a physical or mental disability or a language barrier or is isolated culturally, socially, or geographically to such an extent that it restricts the individual's ability to perform normal daily tasks or threatens the individual's capacity to live independently.~~

~~—Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987; 22 SDR 16, effective August 17, 1995.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~—Cross-References:~~

~~—Fees prohibited for services to eligible persons -- Voluntary contributions accepted, § 67:40:01:08;~~

~~—Eligibility -- Adult day care, § 67:40:15:04;~~

~~—Eligibility for congregate nutrition services, § 67:40:17:02;~~

~~—Eligibility for homebound nutrition services, § 67:40:17:04.~~

~~67:40:01:16. Maintenance of nonfederal support. A grantee may not use federal funds to replace funds from nonfederal sources. A grantee shall continue or initiate efforts to obtain support from private sources and other public organizations.~~

~~—Source: 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~



## CHAPTER 67:40:02

### GRANTEE FINANCIAL STANDARDS AND PROCEDURES

(Repealed)

#### Section

~~—67:40:02:01 Standards for financial management.~~

~~—67:40:02:02 Maintenance of records.~~

~~—67:40:02:03 Access to records.~~

~~—67:40:02:04 Public access to records.~~

~~67:40:02:01. Standards for financial management. The financial management of funds expended by a grantee shall provide for the following:~~

- ~~—(1) Accurate, current, and complete disclosure of financial results of the award;~~
- ~~—(2) Records containing information pertaining to the award and any subcontracts, authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and bank balances;~~
- ~~—(3) Inventory records, physical security of real and personal property acquired with award funds, and assurance that the property is used only for attaining the objectives of the project; and~~
- ~~—(4) Supporting documentation for each accounting record filed at the project site and accessible to authorized personnel.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:02:02. Maintenance of records. Grantee shall retain accounting records, supporting documents, statistical records, and other records pertinent to the project and shall make these records available for examination by authorized personnel. Grantee shall retain records for a period of three years from the date of the submission of the annual closeout report or longer if an audit is in progress or audit exceptions have not been resolved.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:02:03. Access to records. The department, the administration on aging, the secretary of the United States Department of Health and Human Services, the comptroller general of the United States, or any of their duly authorized representatives, shall have access at any reasonable time to any books, documents, papers, or records pertinent to the specific project of the grantee for the purpose of making audits, examinations, excerpts, and transcripts.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

~~67:40:02:04. Public access to records. Restrictions shall not be placed on the public access to the grantee's project records except for the following:~~

- ~~—(1) To prevent an invasion of personal privacy;~~
- ~~—(2) To comply with an executive order or statute which requires records to be kept secret;~~
- ~~—(3) To protect information obtained from a person or a firm on a privileged or confidential basis; and~~
- ~~—(4) To protect information which can be exploited for personal gains.~~

~~—Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—General Authority: SDCL 28-1-45.~~

~~—Law Implemented: SDCL 28-1-44.~~

CHAPTER 67:40:03  
PROJECT REPORTING

(Repealed)

Section

- ~~—67:40:03:01 Repealed.~~
- ~~—67:40:03:02 Reports required of grantees.~~
- ~~—67:40:03:03 Repealed.~~
- ~~—67:40:03:04 Additional reports required of nutrition grantees.~~
- ~~—67:40:03:05 Repealed.~~
- ~~—67:40:03:06 Repealed.~~
- ~~—67:40:03:07 Repealed.~~

~~67:40:03:02. Reports required of grantees. Grantees must submit the following reports on forms provided by the department:~~

- ~~—— (1) A project report to be submitted monthly;~~
- ~~—— (2) A monthly statistical report to be submitted by the fifth working day of the following month;~~
- ~~—— (3) A year-end report to be submitted no more than 60 days after the expiration or termination of the grant.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:03:04. Additional reports required of nutrition grantees. In addition to the requirements of § 67:40:03:02, nutrition grantees must submit to the department copies of the menus for the meals which the grantee intends to serve. The grantee must submit copies of the menus at least two weeks before the meals are to be served. The menus must be on forms approved by the department.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



## CHAPTER 67:40:04

### PROCUREMENT STANDARDS

(Repealed)

#### Section

~~67:40:04:01 — General procurement policies.~~

~~67:40:04:02 — Free competition.~~

~~67:40:04:03 — Procurement requirements.~~

~~67:40:04:04 — Sole source procurement.~~

~~67:40:04:05 — Records for negotiated procurement.~~

~~67:40:04:06 — Third party agreements.~~

~~67:40:04:07 — Contract administration system.~~

~~67:40:04:08 — Contract provisions.~~

~~67:40:04:01. General procurement policies. Grantees may use their own procurement policies for supplies, equipment, construction, and other services; provided:~~

~~—— (1) The procedures impose an administrative burden to insure prudent management of funds;~~

~~—— (2) All the agreements, terms, and conditions are made in writing;~~

~~—— (3) The cost reimbursable contracts do not exceed the amount awarded;~~

~~—— (4) The grantee is responsible for the resolution of audit exceptions related to the contractor's performance; and~~

~~—— (5) The grantee's employees neither solicit nor accept gratuities from actual or potential contractors or subcontractors.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-References: Older Americans Act of 1965, as amended, 42 USC 3001-3043; 42 USC 3045-3067; Executive Orders 73-4 and 73-9.~~

~~67:40:04:02. Free competition. All procurement transactions shall be conducted in an open, free, and lawful competition.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:04:03. Procurement requirements. Grantees shall establish procurement procedures that provide:~~

~~—— (1) A review of the proposed procurements and purchase alternatives to avoid duplication;~~

~~—— (2) An accurate description of the technical requirements for all invitations to bid;~~

~~—— (3) A positive effort to utilize small and minority-owned businesses;~~

~~—— (4) A procuring instrument. The use of "cost plus a percentage of costs" in procuring instruments shall be prohibited; and~~

~~—— (5) A formal advertising with sealed bids and public openings for procurements of over \$10,000.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:04:04. Sole source procurement. Procurement transactions may be negotiated when it is not practical or feasible for a grantee to use formal advertising provided any of the following conditions exists:~~

- ~~—— (1) Public urgency will not permit the delay;~~
- ~~—— (2) The material or service is available from only one source. All sole source contracts which have a total of more than \$5,000 require the approval of the department;~~
- ~~—— (3) The aggregate amount involved does not exceed \$10,000;~~
- ~~—— (4) The contract is for personal or professional services or any service rendered by a university, college, or other educational institution;~~
- ~~—— (5) No acceptable bids have been received after formal advertising;~~
- ~~—— (6) The purchases are for perishable materials, for materials where prices are established by law, for items or equipment requiring interchangeability of parts with existing equipment, for research or development work, for supplies authorized for resale, and for specialized supplies requiring substantial initial investment for manufacture; and~~
- ~~—— (7) The negotiation is authorized by applicable federal, state, or local laws, rules, or regulations.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:04:05. Records for negotiated procurement. When negotiated contracts are made for more than \$10,000, the grantee shall retain the records which justify the use of negotiation in lieu of advertising, the contractor selected, and the basis for the cost or price.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:04:06. Third-party agreements. A third-party agreement on fixed price contracts, cost reimbursable contracts, purchase orders, agreements, or affiliation agreements may be used only when grantee's personnel are unable to perform the services purchased. A third-party agreement shall meet the following requirements:~~

~~—— (1) It shall impose administrative burdens to insure prudent management of funds;~~  
~~—— (2) It shall be in writing and shall state all the terms and conditions of the agreement;~~  
~~and~~

~~—— (3) It shall conform with all the applicable state laws and regulations governing third-party agreements.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:04:07. Contract administration system. The grantee shall maintain a system for contract administration to assure compliance by the contractor, or subcontractor, with the terms, conditions, and specifications of the contract or order, and to assure delivery within the time period prescribed by the procurement instrument.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:04:08. Contract provisions. In awarding a contract in excess of \$10,000, the grantee shall:~~

~~—— (1) Provide for administrative, contractual, or legal remedies in case of breach of contract or violation of the terms of the contract;~~

~~—— (2) Provide for the retention and access to the contractor's records;~~

~~—— (3) Provide for termination by default or termination by reason of circumstances beyond the control of the contractor; and~~

~~—— (4) Provide for compliance with Executive Order 11246, as amended by Executive Order 11375, on equal employment opportunity and 41 C.F.R. 60-1 to 60-60.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:05

### PROPERTY MANAGEMENT

(Repealed)

#### Section

~~67:40:05:01 — Definitions.~~

~~67:40:05:02 — General provisions.~~

~~67:40:05:03 — Real property.~~

~~67:40:05:04 — Equipment.~~

~~67:40:05:05 — Property management standards.~~

~~67:40:05:06 — Consumable supplies — Disposition.~~

~~67:40:05:07 — Inventory of nonconsumable supplies and equipment.~~

~~67:40:05:08 — Repealed.~~

67:40:05:01. Definitions. Terms used in this chapter mean:

—— (1) "Carryover," the sum of the total grant funds awarded which have not been spent during a project period;

—— (2) "Consumable supplies," personal property with a useful life of less than one year;

—— (3) "Equipment," personal property with a useful life of more than two years and an acquisition cost of \$500 or more per unit;

—— (4) "Fair market value," the highest price, estimated in terms of money, which a property will bring if exposed for sale in the open market;

—— (5) "Nonconsumable supplies," personal property with a useful life of more than two years and an acquisition cost of less than \$500 per unit;

—— (6) "One month's supply," one twelfth of the previous twelve months' expenditures for nonconsumable supplies, purchased food, and USDA cash;

—— (7) "Personal property," property of any kind except real property. Tangible personal property has physical existence. Intangible personal property, such as patents, inventions, and copyrights, does not have physical existence;

—— (8) "Purchased food," food purchased with grant funds or USDA cash;

—— (9) "Real property," land, land improvements, structures, and appurtenances thereto, excluding movable machinery and equipment; and

—— (10) "USDA cash," cash distributed under the United States Department of Agriculture commodity food program to be used by the grantee to purchase food produced in the United States.

—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987; 22 SDR 16, effective August 17, 1995.

—— General Authority: SDCL 28-1-45.

—— Law Implemented: SDCL 28-1-44.

~~67:40:05:02. General provisions. Policies and procedures governing title, use, and disposition of real and personal property whose acquisition cost was borne in whole or in part as a direct charge to department funds shall be subject to the terms and conditions approved in the application, the award, and the provisions of this chapter.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:05:03. Real property. Title to real property purchased with department funds shall be vested in the grantee and subject to the requirements imposed by the terms of the project award. The real property shall be used for the purpose authorized by the award as long as it is needed. When the property is no longer needed for the original purpose, the department may authorize the grantee to use the property for activities sponsored by other federal agencies; or to use the property for other activities consistent with department programs; or to dispose of the property as follows: if all or part of the property was acquired with federal funds, the grantee may be relieved of accountability for the federal interest in the property by compensating the department for its share of the current value of the property. The amount of compensation to the department shall be computed by applying the percentage of federal participation in the cost of the project for which the property was acquired to the property's current fair market value, or to the market price less costs of sale if the property is sold.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:05:04. Equipment. Equipment acquired with grant funds is subject to the following requirements:~~

- ~~—— (1) Title to the equipment shall be vested in the grantee;~~
- ~~—— (2) The grantee may use the equipment as long as necessary to accomplish the objectives of the department program whether or not the grantee continues to be supported by federal funds;~~
- ~~—— (3) Disposition of equipment that has an acquisition cost of over \$1,000 per unit requires written authorization from the department; and~~
- ~~—— (4) On items of equipment with an acquisition cost of over \$1,000, the department may require a transfer of title from the grantee to the department.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:05:05. Property management standards. The grantee shall develop property management procedures which include the following:~~

~~—— (1) Property records containing a description of the property; the manufacturer's serial number or other identification number; the acquisition date and cost; the source of the property; the location, use, and condition of the property; and the ultimate disposition. If the grantee reimburses the department for the federal fund share of the property's cost, the property records shall also contain a record of the ultimate disposition of the property including the date, sale price, and method used to determine the fair market value;~~

~~—— (2) A physical inventory of property taken once every two years to reconcile the records and verify the existence, current use, and continued need for the property;~~

~~—— (3) A control system to prevent loss, damage, or theft of property;~~

~~—— (4) Maintenance procedures to keep the property in good condition; and~~

~~—— (5) Procedures for property sales which provide competition, when feasible, and the highest possible return.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:05:06. Consumable supplies -- Disposition. Consumable supplies with a total acquisition cost of under \$1,000 may be retained by the project, transferred to the department, or sold when the grantee determines that the property is no longer needed for any federally funded program. The federal share of the proceeds of sale shall be returned to the department.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective July 1, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:05:07. Inventory of nonconsumable supplies and equipment. The grantee shall submit to the department with the closeout report a current inventory of equipment and nonconsumable supplies purchased with grant funds. The grantee shall use forms provided by the department.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross Reference: Reports required of grantees, § 67:40:03:02.~~

## CHAPTER 67:40:06

### PROCEDURES FOR AWARDS

#### Section

- ~~67:40:06:01 ————— Definitions.~~
- ~~67:40:06:02 ————— Purpose for which awards may be made.~~
- ~~67:40:06:03 ————— Repealed.~~
- ~~67:40:06:04 ————— Nonfederal matching requirements.~~
- ~~67:40:06:05 ————— Private agencies to be incorporated.~~
- ~~67:40:06:06 ————— Repealed.~~
- ~~67:40:06:06.01 ————— Contents of department request for grant applications.~~
- ~~67:40:06:06.02 ————— Department timetable.~~
- ~~67:40:06:06.03 ————— Submission of grant application.~~
- ~~67:40:06:06.04 ————— Reasons for rejection of application.~~
- ~~67:40:06:07 ————— Repealed.~~
- ~~67:40:06:07.01 ————— Funding decision factors -- Priorities.~~
- ~~67:40:06:07.02 ————— Notification of approval -- Acceptance.~~
- ~~67:40:06:08 to 67:40:06:09 ————— Repealed.~~
- ~~67:40:06:10 ————— Expansion of existing projects.~~
- ~~67:40:06:11 ————— Notification of approved budget revisions.~~
- ~~67:40:06:11.01 ————— Adjustments.~~
- ~~67:40:06:12 ————— Repealed.~~
- ~~67:40:06:13 ————— Obligation of funds.~~
- ~~67:40:06:14 ————— Payment of funds.~~
- ~~67:40:06:15 and 67:40:06:16 ————— Repealed~~
- ~~67:40:06:17 and 67:40:06:18 ————— Transferred.~~
- ~~67:40:06:19 ————— Repealed.~~

67:40:06:20 Fair hearing procedure.

~~67:40:06:01. Definitions. Terms used in this chapter mean:~~

~~—— (1) "Project period," the number of years or months, designated by the department, during which the project may operate with funding from the department;~~

~~—— (2) "Net cost," the total costs approved by the department less project income and United States Department of Agriculture resources;~~

~~—— (3) "Sufficient cash on hand," enough cash to cover at least one month's average expenditures; and~~

~~—— (4) "USDA cash," cash distributed under the United States Department of Agriculture commodity food program to be used by the grantee to purchase food produced in the United States.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:02. Purpose for which awards may be made. Awards may be made to support projects that meet the requirements of the department, and the provisions of this article for the purpose of: gathering information and evaluating the needs of older persons; supporting projects to assist older persons to become aware of social services; assisting older persons to gain access to these services; providing the social services needed by older persons; or promoting research and efforts to attract additional resources for meeting the needs of older persons. Applications shall provide that priority be given to those activities and services which will benefit low income and minority older persons to assure that these persons will be served at least in proportion to their relative numbers.~~

~~——Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~——General Authority: SDCL 28-1-45.~~

~~——Law Implemented: SDCL 28-1-44.~~

~~67:40:06:04. Nonfederal matching requirements. Grantees shall obtain from other sources a portion of the net cost which is not supported by grant funds. Unless otherwise specified by the department, nonfederal matching requirements are at least 10 percent for all nutrition grantees and at least 25 percent for all transportation and community aging grantees.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:05. Private agencies to be incorporated. Private agencies applying for grant funds from the department shall be incorporated. The grantee may enter into contracts or subcontracts only after notification of approved budget from the department.~~

~~Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~General Authority: SDCL 28-1-45.~~

~~Law Implemented: SDCL 28-1-44.~~

~~Cross Reference: Notification of approval -- Acceptance, § 67:40:06:07.02.~~

~~67:40:06:06.01. Contents of department request for grant applications. The department request for grant applications shall include the following:~~

- ~~—— (1) A list of services to be funded;~~
- ~~—— (2) Available funding levels;~~
- ~~—— (3) Procedures for requesting grant application forms;~~
- ~~—— (4) Applicable local match requirements; and~~
- ~~—— (5) Due date for submission of grant applications.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:06:06.02. Department timetable. The department timetable for the request for grant applications is as follows:~~

~~—— (1) The department shall mail the request for grant applications at least 90 days before the start of the new funding cycle;~~

~~—— (2) After the department has issued the request for grant applications, the applicant has four weeks after the mailing date to complete and submit the grant application. Applications must be postmarked by the due date unless authorization has been received from the department to submit a late application; and~~

~~—— (3) The department shall make final determinations on all applications within 16 weeks after the mailing of the request for grant applications.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: Submission of grant application, § 67:40:06:06.03.~~

~~67:40:06:06.03. Submission of grant application. An applicant shall submit the completed grant application and one copy to the department.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:06.04. Reasons for rejection of application. A grant application may be rejected by the department for any of the following reasons:~~

~~—— (1) The application is not postmarked by the due date listed on the request for application;~~

~~—— (2) The application is incomplete or incorrectly completed;~~

~~—— (3) The application does not address services to be funded by the request for grant applications; and~~

~~—— (4) The total of the funds requested in the application exceeds the total available.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:07.01. Funding decision factors -- Priorities. The department shall consider the following factors in deciding funding:~~

- ~~—— (1) Comparative costs of providing like services in similar communities;~~
- ~~—— (2) Past provider performance in achieving service objectives of the grants;~~
- ~~—— (3) Past provider performance in meeting reporting requirements;~~
- ~~—— (4) Past provider performance in complying with federal, state, and local regulations which pertain to the grant; and~~
- ~~—— (5) The extent to which the area is being served by other grantees or agencies providing similar services.~~

~~—— The department shall give priority to applications that provide services at the most reasonable cost and that focus services on an area in the state which does not have access to similar services and has a high proportion of older persons having the greatest social need.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: Project reporting, ch 67:40:03.~~

~~67:40:06:07.02. Notification of approval -- Acceptance. The department shall notify an applicant of an approved application and budget by the beginning of the project period.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:10. Expansion of existing projects. The expansion of existing projects may be approved by the department if the amount of nonfederal resources is maintained or increased during the project period and if the additional funding support is not used to replace any existing nonfederal resources.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:11. Notification of approved budget revisions. Before instituting changes in project size, area, content, methods, equipment, or objectives during a project year, the grantee must obtain approval in writing from the department. The department shall issue a revised notification of an approved budget when there is a change in any of the following:~~

- ~~—— (1) The scope or objectives of the project;~~
- ~~—— (2) The cost sharing ratio;~~
- ~~—— (3) The project period date;~~
- ~~—— (4) The amount of the budget;~~
- ~~—— (5) The amount of federal funds available; or~~
- ~~—— (6) The cost of equipment.~~

~~—— The department may approve, at any time, a request for revision. The notification of revision shall supersede all other notifications relating to the project period.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:11.01. Adjustments. The department may adjust a current grant award based on an audit exception to a previous grant given to the same grantee. If the audit reveals a lesser amount of grant-related expenditures than was reported on the closing report, the balance will be carried over to the current grant award. If the project has been discontinued, the department will request a refund from the former grantee.~~

~~—— If the audit reveals that expenses were greater than reported on the closing report, the grantee must assume the costs of the additional expenses when a grant award no longer exists. If the audit reveals that expenses were greater than reported on the closing report and an award exists, grant funds shall assume the costs.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:06:13. Obligation of funds. A grantee may not obligate funds until the department has issued a statement of grant award to the grantee. Obligational funds may be earned only upon the accrual of an allowable cost and the contribution of the nonfederal share of that cost. The award, based on the notification of approved budget, establishes a ceiling for departmental participation in the cost of operating a project.~~

~~—— The department will consider a cost allowable under the grant if the cost has been included in the grantee's approved grant application.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:14. Payment of funds. Within the first month of the project year the department shall issue a warrant equal to at least one-sixth of the funds awarded to the grantee. The warrant may also include funds to cover expenditures not covered under the one-sixth payment. The department shall evaluate a project's cash requirements and cash balance on hand before making additional payments. When the department receives USDA cash, the department shall issue USDA cash to grantees. The amount of USDA cash issued to the grantee is based on the number of meals served to eligible persons less USDA commodities received. Based on reported expenditures, no payment shall be made when the grantee has sufficient cash on hand. Grants for equipment, materials, or supplies will receive funds after the department receives the invoices from the grantee.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:06:20. Fair hearing procedure. The fair hearing procedure shall be in accordance with chapter 67:17:02.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.d~~

## CHAPTER 67:40:07

### HOMEMAKER SERVICES

(Repealed)

#### Section

~~67:40:07:01 — Definitions.~~

~~67:40:07:02 — Services provided.~~

~~67:40:07:03 — Services not provided.~~

~~67:40:07:04 — Eligibility for homemaker service.~~

~~67:40:07:05 — Repealed.~~

~~67:40:07:06 — Fee for homemaker services.~~

~~67:40:07:06.01 — Inclusions in gross income.~~

~~67:40:07:06.02 — Exclusions from gross income.~~

~~67:40:07:06.03 — Consideration of certain resources.~~

~~67:40:07:06.04 — Resource limits.~~

~~67:40:07:07 — Needs assessment.~~

~~67:40:07:07.01 — Case service plan.~~

~~67:40:07:08 — Priority of applications.~~

~~67:40:07:09 — Repealed.~~

~~67:40:07:10 — Limit on hours of services.~~

~~67:40:07:11 — Priority for services.~~

~~67:40:07:12 — Discontinuance of services.~~

~~67:40:07:13 — Provider agreement required.~~

~~67:40:07:01. Definitions. Terms used in chapter 67:40:11 have the same meanings when used in this chapter. Terms used in this chapter mean:~~

~~—— (1) "Activities of daily living," tasks performed routinely by an individual to maintain physical functioning and personal care, including transferring, moving about, dressing, grooming, toileting, and eating;~~

~~—— (2) "Economic resources," the client's own resources together with other types of assistance, financial or otherwise, which are available to a client and would help maintain the client in the client's own home;~~

~~—— (3) "Health status," the client's medical condition based on a diagnosis of the client's existing illnesses or disabilities, the medical care and medication needed in response to the diagnosis, and an assessment of the client's ability to perform daily tasks;~~

~~—— (4) "Home," the client's residence which may not include a hospital, penal institution, detention center, school, nursing facility, assisted living facility, intermediate care facility for the mentally retarded, or an institution that treats individuals who have mental diseases;~~

~~—— (5) "Home environment," the client's dwelling unit, building, or house and its furnishings and the neighborhood in which the client resides;~~

~~—— (6) "Homemaker," the individual who performs homemaker services for an eligible client;~~

~~—— (7) "Homemaker service," the performance of nonmedical household tasks designed to maintain a client in the client's home and provided by a homemaker for a client who has lost the ability to perform the tasks;~~

~~—— (8) "Personal adjustment," the indicators of an individual's mood, judgment, and memory which are essential to remaining independent; and~~

~~—— (9) "Social resources," support or assistance available to a client from the client's family, friends, neighbors, or community organizations such as churches, civic groups, or senior centers, or other agencies providing services to residents of the community.~~

~~Source: SL 1975, ch 16, § 1; 2 SDR 49, effective January 7, 1976; transferred from § 67:14:07:01, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 13 SDR 193, effective June 22, 1987; 23 SDR 92, effective December 10, 1996; 26 SDR 109, effective March 5, 2000.~~

~~General Authority: SDCL 28-1-45.~~

~~Law Implemented: SDCL 28-1-44.~~

~~67:40:07:02. Services provided. Following completion of the needs assessment and evaluation and a determination that all other resources have been exhausted, the department, in consultation with the client, shall determine what homemaker services the client needs. Tasks necessary to maintain a client in the client's home and which the homemaker may perform include the following:~~

- ~~—— (1) Cleaning identified household areas;~~
- ~~—— (2) Preparing light meals;~~
- ~~—— (3) Shopping for necessities that are incidental to the needed homemaker services;~~
- ~~—— (4) Washing dishes;~~
- ~~—— (5) Dusting;~~
- ~~—— (6) Floor care;~~
- ~~—— (7) Assisting with personal hygiene tasks;~~
- ~~—— (8) Laundry;~~
- ~~—— (9) Assisting a client complete personal tasks such as paying bills;~~
- ~~—— (10) Providing brief periods of care for the client when incidental to the homemaker tasks; or~~
- ~~—— (11) Assisting a client with routine health care, including items such as reminding the client to take medications; opening and closing a medication container; returning a medication container to its proper storage area; if medical conditions such as diabetes and peripheral neuropathy are ruled out, assisting the client with foot soaks; cleaning a dehumidifier; or assisting the client with footwear or hose.~~

~~—— Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 18 SDR 176, effective April 26, 1992; 26 SDR 109, effective March 5, 2000; 28 SDR 96, effective December 30, 2001.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: General eligibility standards, ch 67:40:11.~~

~~—— Code Commission Note: The substance of § 67:14:07:09 was transferred to subdivision 67:40:07:02(3).~~



~~67:40:07:03. Services not provided. Tasks that are not part of the homemaker services include:~~

- ~~—— (1) Washing outside windows;~~
- ~~—— (2) Moving large furniture;~~
- ~~—— (3) Shoveling snow;~~
- ~~—— (4) Garden or yard work;~~
- ~~—— (5) Cleaning up before or after company visits;~~
- ~~—— (6) Washing walls;~~
- ~~—— (7) Caring for pets;~~
- ~~—— (8) Painting;~~
- ~~—— (9) Visiting except while working on assigned homemaker tasks;~~
- ~~—— (10) Shampooing carpets;~~
- ~~—— (11) Skilled nursing services; or~~
- ~~—— (12) Other tasks not necessary to maintain a client in the client's home.~~

~~—— Source: 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:07:04. Eligibility for homemaker service. Persons eligible for homemaker services shall meet the following criteria:~~

~~—— (1) Have demonstrated through the needs assessment that a need for homemaker services exists;~~

~~—— (2) Have no other social resources or people that can assist with needed tasks;~~

~~—— (3) Are at least 60 years of age or if under age 60 meet the other requirements of this section;~~

~~—— (4) Are at risk of entering a nursing facility;~~

~~—— (5) Have physical disabilities that severely restrict their mobility; and~~

~~—— (6) Are not eligible for other state programs which provide the same type of service.~~

~~—— Source: SL 1975, ch 16, § 1; 2 SDR 49, effective January 7, 1976; transferred from § 67:14:07:02, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 18 SDR 176, effective April 26, 1992; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-References: General eligibility standards, ch 67:14:01; Needs assessment, § 67:40:07:07.~~

~~67:40:07:05. Emergency services. Repealed.~~

~~—— Source: SL 1975, ch 16, § 1; 2 SDR 49, effective January 7, 1976; transferred from  
§ 67:14:07:05, 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 9 SDR 30, effective  
September 16, 1982.~~

~~67:40:07:06. Fee for homemaker services. The department shall charge a fee for homemaker services provided. The fee is based on the household's net monthly income, computed according to §§ 67:40:07:06.01 and 67:40:07:06.02, and the individual's monthly care costs. The fees are a percentage of the cost of care and are as contained in the following chart:~~

<del>NET INCOME FOR ONE-PERSON HOUSEHOLD</del>	<del>NET INCOME FOR TWO-PERSON HOUSEHOLD</del>	<del>NET INCOME FOR THREE-PERSON HOUSEHOLD</del>	<del>FEE</del>
<del>— \$0 - \$738</del>	<del>— \$0 - \$995</del>	<del>— \$0 - \$1,252</del>	<del>— 8%</del>
<del>— 739 - 804</del>	<del>— 996 - 1,122</del>	<del>— 1,253 - 1,445</del>	<del>— 12%</del>
<del>— 805 - 870</del>	<del>— 1,123 - 1,249</del>	<del>— 1,446 - 1,638</del>	<del>— 16%</del>
<del>— 871 - 936</del>	<del>— 1,250 - 1,376</del>	<del>— 1,639 - 1,831</del>	<del>— 20%</del>
<del>— 937 - 1,002</del>	<del>— 1,377 - 1,503</del>	<del>— 1,832 - 2,024</del>	<del>— 24%</del>
<del>— 1,003 - 1,068</del>	<del>— 1,504 - 1,630</del>	<del>— 2,025 - 2,217</del>	<del>— 28%</del>
<del>— 1,069 - 1,134</del>	<del>— 1,631 - 1,757</del>	<del>— 2,218 - 2,410</del>	<del>— 32%</del>
<del>— 1,135 - 1,200</del>	<del>— 1,758 - 1,884</del>	<del>— 2,411 - 2,603</del>	<del>— 36%</del>
<del>— 1,201 - 1,266</del>	<del>— 1,885 - 2,011</del>	<del>— 2,604 - 2,796</del>	<del>— 40%</del>
<del>— 1,267 - 1,332</del>	<del>— 2,012 - 2,138</del>	<del>— 2,797 - 2,989</del>	<del>— 44%</del>
<del>— 1,333 - 1,398</del>	<del>— 2,139 - 2,265</del>	<del>— 2,990 - 3,182</del>	<del>— 48%</del>
<del>— 1,399 - 1,464</del>	<del>— 2,266 - 2,392</del>	<del>— 3,183 - 3,375</del>	<del>— 52%</del>
<del>— 1,465 - 1,530</del>	<del>— 2,393 - 2,519</del>	<del>— 3,376 - 3,568</del>	<del>— 56%</del>
<del>— 1,531 - 1,596</del>	<del>— 2,520 - 2,646</del>	<del>— 3,569 - 3,761</del>	<del>— 60%</del>
<del>— 1,597 - 1,662</del>	<del>— 2,647 - 2,773</del>	<del>— 3,762 - 3,954</del>	<del>— 64%</del>

<del>1,663 - 1,728</del>	<del>2,774 - 2,900</del>	<del>3,955 - 4,147</del>	<del>68%</del>
<del>1,729 - 1,794</del>	<del>2,901 - 3,027</del>	<del>4,148 - 4,340</del>	<del>72%</del>
<del>1,795 - 1,860</del>	<del>3,028 - 3,154</del>	<del>4,341 - 4,533</del>	<del>76%</del>
<del>1,861 - 1,926</del>	<del>3,155 - 3,281</del>	<del>4,534 - 4,726</del>	<del>80%</del>
<del>1,927 - 1,992</del>	<del>3,282 - 3,408</del>	<del>4,727 - 4,919</del>	<del>84%</del>
<del>1,993 - 2,058</del>	<del>3,409 - 3,535</del>	<del>4,920 - 5,112</del>	<del>88%</del>
<del>2,059 - 2,124</del>	<del>3,536 - 3,662</del>	<del>5,113 - 5,305</del>	<del>92%</del>
<del>2,125 - 2,190</del>	<del>3,663 - 3,789</del>	<del>5,306 - 5,498</del>	<del>96%</del>
<del>2,191 - 2,256</del>	<del>3,790 - 3,916</del>	<del>5,499 - 5,691</del>	100%

~~— Fees are rounded to the nearest whole dollar and must be paid the month after the services are provided.~~

~~— Source: 2 SDR 49, effective January 7, 1976; 4 SDR 10, effective August 28, 1977; 6 SDR 86, effective February 26, 1980; transferred from § 67:14:07:06, 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 9 SDR 30, effective September 16, 1982; readopted, 16 SDR 214, effective June 11, 1990; 18 SDR 176, effective April 26, 1992; 19 SDR 68, effective November 9, 1992; 20 SDR 170, effective April 18, 1994; 23 SDR 92, effective December 10, 1996; 26 SDR 109, effective March 5, 2000; 28 SDR 96, effective December 30, 2001; 29 SDR 81, effective December 11, 2002.~~

~~— General Authority: SDCL 28-1-45, 28-8-28.~~

~~— Law Implemented: SDCL 28-1-44, 28-8-23, 28-8-25.~~

~~— Cross-Reference: Consideration of certain resources, § 67:40:07:06.03.~~

67:40:07:06.01. ~~Inclusions in gross income. Gross income includes those sums of money received from the following sources at the time of application or redetermination of eligibility:~~

~~—— (1) Money wages or salary, such as the total money earnings received for work performed as an employee, including wages, salary, armed forces pay, commissions, tips, price rate payments, and cash bonuses earned, before deductions are made for taxes, bonds, pensions, union dues, and similar purposes;~~

~~—— (2) Net income from farm self-employment, such as gross receipts minus operating expenses from the operation of a farm by a person as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, government crop liens, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed, other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes which are not state and federal income taxes, and similar expenses. The value of fuel, food, or other farm products used for family living are not included as part of net income;~~

~~—— (3) Social security, including social security pensions and survivor's benefits, permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance, and railroad retirement insurance checks from the United States government;~~

~~—— (4) Dividends; interest on savings or bonds; income from estates or trusts; net rental income or royalties, including dividends from stockholdings or membership in associations; periodic receipts from estates or trust funds; net income from rental of a house, store, or other property to others; and receipts from boarders or lodgers;~~

~~—— (5) Public assistance or welfare payments, including aid to families with dependent children, supplemental security income, state supplemental payments, and general assistance;~~

~~—— (6) Pensions and annuities, including pensions or retirement benefits paid to a retired person or the retired person's survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance;~~

~~—— (7) Unemployment compensation, including compensation received from government unemployment and strike benefits received from union funds;~~

~~—— (8) Worker's compensation, including compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the person;~~

~~—— (9) Alimony;~~

~~—— (10) Child support;~~

~~—— (11) Veterans' pensions, including money paid periodically by the Veterans Administration to disabled members of the armed forces or to survivors of deceased veterans; subsistence allowances paid to veterans for education and on-the-job training; and refunds paid to former servicemen, such as government insurance premiums;~~

~~—— (12) Net income from nonfarm self-employment, calculated as gross receipts minus operating expenses from ones' own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Operating expenses include the costs of goods purchased, rent, heat, lights, power, depreciation charges, wages and salaries paid, business taxes, excluding personal income taxes, and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income; and~~

~~—— (13) Income received as a result of a lawsuit.~~

~~Source: 16 SDR 214, effective June 11, 1990; 20 SDR 170, effective April 18, 1994.~~

~~General Authority: SDCL 28-1-45, 28-8-28.~~

~~Law Implemented: SDCL 28-1-44, 28-8-23, 28-8-25.~~



~~67:40:07:06.02. Exclusions from gross income. Excluded from the computation of gross income are the following:~~

~~—— (1) Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;~~

~~—— (2) Payments made pursuant to the Alaska Native Claims Settlement Act to the extent that such payments are exempt from taxation under 43 U.S.C. § 1620 (January 1, 1989):~~

~~—— (3) Money received from sale of property, such as stocks, bonds, a house, or a car, unless the person was engaged in the business of selling such property. In that case, the net proceeds are counted as income from self-employment;~~

~~—— (4) Withdrawals of bank deposits;~~

~~—— (5) Money borrowed;~~

~~—— (6) Tax refunds;~~

~~—— (7) Gifts, except those gifts received by college students from parents if either or both of the following situations exist:~~

~~—— (a) The student's permanent residence is in the parent's home;~~

~~—— (b) The parents have claimed the college student as a tax deduction;~~

~~—— (8) Lump sum inheritances or insurance payments. This does not include money received as a result of a lawsuit;~~

~~—— (9) Capital gains;~~

~~—— (10) The value of the household's food stamp allotment determined under the provisions of article 67:13;~~

~~—— (11) The value of food donated by the United States Department of Agriculture;~~

~~—— (12) The value of supplemental food assistance under the Child Nutrition Act of 1966 as in effect on January 1, 1994, and the special food service program for children under the National School Lunch Act, as amended through January 1, 1994;~~

~~—— (13) Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as in effect on January 1, 1994;~~

~~—— (14) Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs. This exclusion does not apply to money received by veterans under the GI Bill educational training program or the Veterans' Administration vocational rehabilitation program. All money paid to veterans under these programs are considered as income regardless of the purpose of the payment;~~

~~—— (15) Grants or loans to an undergraduate student for educational purposes made or insured under a program administered by the U. S. secretary of education under the Higher Education Act;~~

~~—— (16) Home products used for household consumption;~~

~~—— (17) Earnings of a child under 14 years of age; and~~

~~—— (18) Total medical expenses which exceed \$35 a month and will not be reimbursed by insurance. If the household has been or will be reimbursed for the medical expense, only the nonreimbursable portion may be deducted. Medical expenses include the following:~~

~~—— (a) Medical and dental care, such as clinic visits, laboratory fees, tests, X rays, and dentures;~~

~~—— (b) Prescription drugs when ordered by a physician. Over the counter drugs are not allowable;~~

~~—— (c) Medical supplies and equipment when ordered by a physician;~~

~~—— (d) Optometric care, including the purchase of eyeglasses, eye examinations, lenses, and repairs;~~

~~—— (e) Health, hospitalization, and medical insurance premiums; and~~

~~—— (f) Up to \$250 a month for wages paid by the client or family for the client's care needs.~~

~~Source: 16 SDR 214, effective June 11, 1990; 20 SDR 170, effective April 18, 1994; 26 SDR 109, effective March 5, 2000.~~

~~General Authority: SDCL 28-1-45, 28-8-28.~~

~~Law Implemented: SDCL 28-1-44, 28-8-25.~~

~~67:40:07:06.03. Consideration of certain resources. If the household's resources include the items listed in this section, the department shall consider them countable as follows:~~

~~—— (1) Trusts. If a household member has the legal power to dissolve a trust or invade the principal and use the proceeds, the principal of the trust is considered a resource;~~

~~—— (2) Deposits in a bank, savings and loan, or similar institution whether in the form of a checking or savings account or a certificate of deposit. Deposits held in joint accounts are considered available to the household if a household member has control or can direct the disposition of funds from the accounts. Accounts held in joint ownership are divided equally among the owners;~~

~~—— (3) Savings bonds to the extent of their current value. Bonds held in co-ownership with another person are considered available to the household if a member of the household is the actual purchaser or has the authority to cash the bond;~~

~~—— (4) Cash surrender value of life insurance. The total cash surrender value of the household's life insurance policies is considered available to the household if the total face value of all of the policies added together exceeds \$5,500 for a household composed of a single individual or \$11,000 for a household composed of a married couple whether one or both are in need of services; and~~

~~—— (5) Investments. Stocks; mutual fund shares; promissory notes; mortgages; or municipal, corporate, or government bonds owned by a household member which can be sold or discounted are considered available to the household in the amount for which they can be sold or discounted. The amount must be the highest estimated money price which the stocks, notes, mortgages, or bonds will bring if offered for sale on the open market.~~

~~—— Source: 20 SDR 170, effective April 18, 1994.~~

~~—— General Authority: SDCL 28-1-45, 28-8-28.~~

~~—— Law Implemented: SDCL 28-1-44, 28-8-25.~~

~~67:40:07:06.04. Resource limits. The department may not participate in the cost of services if the household's resources exceed \$40,000 for a household composed of a single individual or \$45,000 for a household composed of a married couple. These limits apply regardless of whether one spouse or both are in need of homemaker services.~~

~~—— Source: 20 SDR 170, effective April 18, 1994; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45, 28-8-28.~~

~~—— Law Implemented: SDCL 28-1-44, 28-8-25.~~

~~—— Cross Reference: Consideration of certain resources, § 67:40:07:06.03.~~

~~67:40:07:07. Needs assessment. The department shall assess the client's need for homemaker services with the goal of improving or stabilizing the client's condition thereby lessening or eliminating the client's dependence on the homemaker services. The department shall reassess the client's condition and the continued need for services at least once every six months. In determining continuing need, the department shall consider the client's ability to complete the tasks and whether other resources are available to provide the needed services. The needs assessment shall also consider information provided by the client in the following areas:~~

- ~~—— (1) Social resources;~~
- ~~—— (2) Home environment;~~
- ~~—— (3) Health status;~~
- ~~—— (4) Activities of daily living;~~
- ~~—— (5) Personal adjustment; and~~
- ~~—— (6) Economic resources.~~

~~—— Source: 2 SDR 49, effective January 7, 1976; transferred from § 67:14:07:07, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 13 SDR 193, effective June 22, 1987; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:07:07.01. Case service plan. The department shall develop a case service plan for each client. The plan shall be based on the client's needs assessment and shall contain items such as the following:~~

- ~~—— (1) The reason for the service request;~~
- ~~—— (2) The number of homemaker service hours assigned to the client;~~
- ~~—— (3) The tasks assigned to the homemaker; and~~
- ~~—— (4) The responsibilities of the client.~~

~~—— Source: 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:07:08. Priority of applications. If all requests for service cannot be honored because of the unavailability of services, including staff shortages or budgetary limitations, applicants whose demonstrated need includes immediate peril of leaving their home or family shall be the first to receive homemaker service regardless of the date of application. The department shall place all other eligible individuals for whom services are unavailable on a waiting list in the order of the individual's date of application for services.~~

~~—— A change in an applicant's condition may warrant a change in priority.~~

~~—— Source: 2 SDR 49, effective January 7, 1976; transferred from § 67:14:07:08, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:07:09. Purchase of homemaker service. Repealed.~~

~~—— Source: 2 SDR 49, effective January 7, 1976; transferred from § 67:14:07:10, 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 9 SDR 30, effective September 16, 1982.~~

~~67:40:07:10. Limit on hours of services. Based on the needs assessment and the case services plan, an individual qualifying for services under this chapter may not receive more than 120 hours of homemaker services during a calendar quarter. The calendar quarters are January 1 to March 31, inclusive; April 1 to June 30, inclusive; July 1 to September 30, inclusive; and October 1 to December 31, inclusive.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:07:11. Priority for services. Priority for homemaker services is based on the individual's age and the circumstance that resulted in the individual's need for services. Priority for service is given first to an individual who is 60 years of age or older who falls into one of the categories of circumstances listed below. Priority is given next to individuals who are under the age of 60 who fall into one the categories of circumstances listed below. In either case, the department shall rank the categories of circumstances in the following order:~~

~~—— (1) The individual is in jeopardy of being placed into a nursing or assisted living facility within the next 30 days;~~

~~—— (2) The individual is being released from the hospital or nursing facility;~~

~~—— (3) The individual has a doctor's referral indicating that the individual is not to perform certain household tasks; or~~

~~—— (4) The individual is blind, disabled, chronically ill, or has a serious physical illness and is in need of assistance in completing the necessary household tasks to enable the individual to maintain independent living.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 18 SDR 176, effective April 26, 1992; 22 SDR 16, effective August 17, 1995; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:07:12. Discontinuance of services. The department may discontinue services provided under this chapter when the department exhausts its resources for providing the services, the client can no longer benefit from the services provided, or the client's or the provider's health or safety would be jeopardized if the services were continued. Specific reasons for discontinuing services include the following:~~

- ~~—— (1) The client's medical needs may require daily nursing. Indications are the client is experiencing falls, is failing to take needed medication, is suffering from uncontrolled tuberculosis or antibiotic-resistant organisms, or two people are needed to move the client;~~
- ~~—— (2) The client is sexually harassing, verbally abusive, threatening, or combative towards the person delivering services;~~
- ~~—— (3) The client's care plan exceeds the limits of the in-home care limits;~~
- ~~—— (4) The client's living environment presents health and fire hazards or unsafe conditions for the person delivering services;~~
- ~~—— (5) The client's family and individuals from other support systems have discontinued providing care or are unable to provide the care needed;~~
- ~~—— (6) The client is not in compliance with the case service plan;~~
- ~~—— (7) The client's cognitive ability is limited to the extent that the client is not oriented to person, place, or time;~~
- ~~—— (8) The client is not capable of self-preservation in an emergency;~~
- ~~—— (9) The client's condition has improved and no longer meets program eligibility;~~
- ~~—— (10) The client failed to contribute to the program as required;~~
- ~~—— (11) The client refuses to allow the service provider on the premises;~~
- ~~—— (12) The client or others in the household are under the influence of drugs or alcohol; or~~
- ~~—— (13) The client has pornographic materials exhibited in the home.~~

~~Source: 18 SDR 176, effective April 26, 1992; 20 SDR 170, effective April 18, 1994; 26 SDR 109, effective March 5, 2000; 28 SDR 96, effective December 30, 2001.~~

~~General Authority: SDCL 28-1-45.~~

~~Law Implemented: SDCL 28-1-44, 28-8-25.~~

~~67:40:07:13. Provider agreement required. An agency providing services under this chapter must have a signed agreement with the department before providing services to an eligible client.~~

~~—— Source: 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:09

### TRANSPORTATION SERVICES

(Repealed)

#### Section

~~67:40:09:01 — Definitions.~~

~~67:40:09:02 — Persons eligible for transportation services.~~

~~67:40:09:03 and 67:40:09:04 — Repealed.~~

~~67:40:09:05 — Requirements of transportation providers.~~

~~67:40:09:06 — Requirements of drivers.~~

~~67:40:09:01. Definitions. Terms used in this chapter mean:~~

~~—— (1) "Transportation services," the transporting of older persons to and from needed community facilities and resources; and~~

~~—— (2) "Transportation unit of service," the single entrance of a participant into a transportation vehicle, travel to a destination, and exit of the participant from the vehicle.~~

~~—— Source: 4 SDR 41, effective January 16, 1978; transferred from § 67:14:35:01, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, repealed September 16, 1982; 10 SDR 113, reenacted April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:09:02. Persons eligible for transportation services. Persons who are at least 60 years old are eligible for transportation services.~~

~~—— Source: 4 SDR 41, effective January 16, 1978; transferred from § 67:14:35:02, 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 9 SDR 30, effective September 16, 1982; readopted, 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:09:05. Requirements of transportation providers. Transportation providers must meet the following requirements:~~

~~—— (1) Providers must equip each vehicle with safety equipment. Safety equipment includes items such as a fire extinguisher, a communication system, emergency flares, and passenger restraints for the seating capacity of the vehicle including the driver;~~

~~—— (2) Providers must have insurance that includes minimum collision, comprehensive, liability, and medical payments coverage;~~

~~—— (3) Providers must develop and publicize schedules or procedures for requesting services;~~

~~—— (4) Providers must report ridership statistics and mileage to the department monthly;~~

~~—— (5) Providers must develop operating policies and job descriptions for all personnel;~~

~~—— (6) Providers must coordinate schedules and routes with other transportation providers in the area;~~

~~—— (7) Providers must institute a method for handling complaints; and~~

~~—— (8) Providers must obtain anonymous participant evaluations of the program at least annually.~~

~~—— Source: 4 SDR 41, effective January 16, 1978; transferred from § 67:14:35:05, 7 SDR 66, 7 SDR 89, effective July 1, 1981; repealed, 9 SDR 30, effective September 16, 1982; readopted, 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:09:06. Requirements of drivers. Drivers must meet the following requirements:~~

- ~~—— (1) Drivers must have a valid South Dakota driver's license;~~
- ~~—— (2) Drivers must meet qualification requirements established by the insurance company and the provider; and~~
- ~~—— (3) Drivers must assist persons in boarding and disembarking.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:10

### COMMUNITY PLACEMENT SERVICES

(Repealed)

#### Section

~~67:40:10:01 — Definitions.~~

~~67:40:10:02 — Individuals eligible for community placement services.~~

~~67:40:10:02.01 — Needs assessment.~~

~~67:40:10:02.02 — Case service plan.~~

~~67:40:10:03 — Repealed.~~

~~67:40:10:04 — Institution's decision to discharge applicant prerequisite to acceptance of  
request for service.~~

~~67:40:10:01. Definitions. Terms used in chapter 67:40:11 have the same meaning when used in this chapter. Terms used in this chapter mean:~~

~~—— (1) "Activities of daily living," tasks performed routinely by a person to maintain physical functioning and personal care, including transferring, moving about, dressing, grooming, toileting, and eating;~~

~~—— (2) "Community placement services," services provided by the department which are designed to assist eligible adults in their movement between the community and an institution or vice versa, including arranging for resources and services within the community which meet the client's needs;~~

~~—— (3) "Economic resources," the client's own resources together with other types of assistance, financial or otherwise, which are available to a client and would help maintain the client in the client's own home;~~

~~—— (4) "Health status," the client's medical condition based on a diagnosis of the client's existing illnesses or disabilities, the medical care and medications needed in response to the diagnosis, and an assessment of the client's ability to perform daily tasks;~~

~~—— (5) "Home environment," the client's dwelling unit, building, or house and its contents and the neighborhood in which the client resides;~~

~~—— (6) "Personal adjustment," the indicators of an individual's mood, judgment, and memory which are essential to remaining independent; and~~

~~—— (7) "Social resources," support or assistance available to a client from family, friends, neighbors, or community organizations such as churches, civic groups, senior centers, or other agencies providing services to residents of the community.~~

~~—— Source: 2 SDR 49, effective January 7, 1976; transferred from § 67:14:27:01, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 13 SDR 193, effective June 22, 1987; 22 SDR 16, effective August 17, 1995; 23 SDR 92, effective December 10, 1996; 26 SDR 109, effective March 5, 2000.~~

——General Authority: SDCL 28-1-45.

——Law Implemented: SDCL 28-1-44.

~~67:40:10:02. Individuals eligible for community placement services. An individual is eligible for community placement services if the individual is at least 60 years of age and either meets the requirements of § 67:40:08:02 or is an adult whose guardianship or conservatorship is held by the department.~~

~~—— Source: 2 SDR 49, effective January 7, 1976; transferred from § 67:14:27:02, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982; 19 SDR 68, effective November 9, 1992; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:10:02.01. Needs assessment. After an applicant has been determined eligible for services under this chapter, the department shall assess the client's need for community placement services. The goal of the assessment is to improve or stabilize the client's condition thereby lessening or eliminating the client's dependence on the community placement services. The department shall reassess the client's condition and the continued need for services at least once every three months. In determining continuing need, the department shall consider the client's ability to complete the tasks and whether other resources are available to provide the needed services. The needs assessment shall also consider information provided by the client in the following areas:~~

~~—— (1) Social resources;~~

~~—— (2) Home environment;~~

~~—— (3) Health status;~~

~~—— (4) Activities of daily living;~~

~~—— (5) Personal adjustment; and~~

~~—— (6) Economic resources.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 13 SDR 193, effective June 22, 1987; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:10:02.02. Case service plan. The department shall develop a case service plan for each client. The plan shall be based on the client's needs assessment and shall contain items such as the following:~~

- ~~—— (1) The reason for the service request;~~
- ~~—— (2) The client's services needs;~~
- ~~—— (3) The type of service to be provided; and~~
- ~~—— (4) The tasks to be performed.~~

~~—— Source: 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:10:04. Institution's decision to discharge applicant prerequisite to acceptance of request for service. The department shall not accept a request for services under this chapter if the request involves moving the applicant from either the South Dakota Developmental Center--Redfield or the South Dakota Human Services Center unless the institution has made a decision to discharge the person or, in the case of the Human Services Center, the person has voluntarily requested release.~~

~~—— Source: 2 SDR 49, effective January 7, 1976; transferred from § 67:14:27:04, 7 SDR 66, 7 SDR 89, effective July 1, 1981; 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:11

### TITLE XX

(Repealed)

#### Section

~~67:40:11:01 — Definitions.~~

~~67:40:11:02 — Scope of chapter.~~

~~67:40:11:03 — Signed application required.~~

~~67:40:11:04 — Prompt determination of eligibility.~~

~~67:40:11:05 — Service plan preparation.~~

~~67:40:11:06 — Right to fair hearing.~~

~~67:40:11:07 — Confidentiality.~~

~~67:40:11:08 — Specific eligibility criteria for Title XX services.~~

~~67:40:11:09 — Redetermination of eligibility.~~

~~67:40:11:10 — Repealed.~~

~~67:40:11:01. Definitions. Terms used in this chapter mean:~~

~~—— (1) "Case service plan" or "service plan," a written plan explaining a client's social, psychological, medical, or economic problems, the steps necessary to resolve the problems, and the times within which the services will be offered;~~

~~—— (2) "Inquiry," a query for information from an individual regarding eligibility or services;~~

~~—— (3) "Request for service," an indication from an individual to the department that the individual desires to receive social services; and~~

~~—— (4) Title XX," Title XX of the Social Security Act, 42 U.S.C. § 1397.~~

~~—— Source: 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:11:02. Scope of chapter. Rules contained in this chapter apply to chapters 67:40:07, 67:40:08, 67:40:10, and 67:40:18, unless otherwise specifically indicated.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 13 SDR 3, effective July 20, 1986.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:11:03. Signed application required. Except for chapter 67:40:08, applicants shall sign a written request for Title XX services. If the applicant is incompetent or incapacitated, an authorized representative may sign the application.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:11:04. Prompt determination of eligibility. The department shall determine an applicant's eligibility for Title XX services within 30 days after the date of application, If the applicant is determined ineligible, written notice of denial shall be sent to the applicant within 30 days after the date of application.~~

~~——Source: 9 SDR 30, effective September 16, 1982.~~

~~——General Authority: SDCL 28-1-45.~~

~~——Law Implemented: SDCL 28-1-44.~~

~~67:40:11:05. Service plan preparation. The department in cooperation with the client shall develop a case service plan for each recipient of services available in chapters 67:40:07 and 67:40:10. The client shall sign the plan and the department shall retain a copy of the plan in the client's file. The service plan shall be reviewed and signed by the client and the client's caseworker biannually.~~

~~—— For services under chapter 67:40:08, the social worker shall prepare a case service plan if the client refuses to cooperate with the planning. This case service plan shall be reviewed at least biannually.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~



~~67:40:11:06. Right to fair hearing. Applicants and recipients may request a fair hearing as specified in chapter 67:17:02. At the time of application, the department shall inform applicants of their right to a hearing and of the procedures necessary to initiate a hearing. The department shall inform recipients of their right to a hearing and of the procedures necessary to initiate a hearing at the time of the needs assessment, the biannual review of the needs assessment, and service termination.~~

~~—— Source: 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-29, 28-1-44.~~

~~67:40:11:07. Confidentiality. A client may request, either personally or through an authorized representative, any information from the client's records which the client has given the department directly. Information which has been supplied to or obtained by the department from other sources may not be released to the client unless the person, agency, or organization furnishing the information to the department consents in writing to the release or unless the information is intended for use at a fair hearing.~~

~~—— Source: 9 SDR 30, effective September 16, 1982.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:11:08. Specific eligibility criteria for Title XX services. The specific Title XX service eligibility requirement may be found at the following locations:~~

- ~~—— (1) Homemaker services, § 67:40:07:04;~~
- ~~—— (2) Adult protective services, § 67:40:08:02;~~
- ~~—— (3) Community placement, § 67:40:10:02; and~~
- ~~—— (4) Respite care services, § 67:40:18:02.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 13 SDR 3, effective July 20, 1986.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:11:09. Redetermination of eligibility. The department shall redetermine eligibility for services in chapters 67:40:07, 67:40:08, 67:40:10, and 67:40:18 at least once every six months and whenever information is obtained about changes or anticipated changes in the recipient's situation which could affect the recipient's eligibility.~~

~~—— Source: 9 SDR 30, effective September 16, 1982; 13 SDR 3, effective July 20, 1986; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:13

### ASSESSMENTS

(Repealed)

#### Section

~~67:40:13:01 — Purpose of assessments.~~

~~67:40:13:02 — Frequency of assessments.~~

~~67:40:13:03 — Assessment recommendations and plans of corrections.~~

~~67:40:13:04 — Reasons for adverse action following assessments.~~

~~67:40:13:01. Purpose of assessments. The department shall conduct on-site assessments to evaluate the grantee's performance in the following areas:~~

- ~~—— (1) Progress toward achieving program objectives;~~
- ~~—— (2) Adequacy of program records and reports; and~~
- ~~—— (3) Conformance with this article.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: Project reporting, ch 67:40:03.~~

~~67:40:13:02. Frequency of assessments. Unless the grantee is otherwise informed, the department shall conduct one on-site assessment annually.~~

~~— In addition, the department may conduct unannounced grantee assessments at any time during the grantee's regular business hours.~~

~~— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~— General Authority: SDCL 28-1-45.~~

~~— Law Implemented: SDCL 28-1-44.~~

~~67:40:13:03. Assessment recommendations and plans of corrections. Within 60 days after the completion of the assessment, the department shall send an assessment report to the grantee, including target dates for implementation of the department's recommendations. After receiving a copy of the assessment report, the grantee must submit a signed acknowledgment of assessment report within 10 days and must submit a signed corrective action plan to the department by the date listed in the department's report. Once the department has received the corrective action plan, it shall approve or disapprove the plan within 10 days. If the grantee's corrective action plan is disapproved by the department, the grantee must submit a revised plan within 14 days. After a corrective action plan has been approved by the department, the grantee must implement the plan of correction by the target dates listed in the department's report.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: Adverse actions, ch 67:40:14.~~



~~67:40:13:04. Reasons for adverse action following assessments. The department may take adverse action after an assessment for any of the following reasons:~~

- ~~—— (1) Grantee procedures are in conflict with this article;~~
- ~~—— (2) A deficiency or group of deficiencies is severe enough to interfere with the attainment of objectives; and~~
- ~~—— (3) A deficiency or group of deficiencies has not been corrected after two consecutive assessment visits.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: Adverse action, ch 67:40:14.~~

## CHAPTER 67:40:14

### ADVERSE ACTION

(Repealed)

#### Section

~~67:40:14:01 — Types of adverse action.~~

~~67:40:14:02 — Withholding of payments.~~

~~67:40:14:03 — Suspension of grant -- Notice.~~

~~67:40:14:04 — Termination of grant -- Notice.~~

~~67:40:14:05 — Appeals procedures.~~

~~67:40:14:01. Types of adverse action. The types of adverse action as follows:~~

~~—— (1) Withholding of payments: the intentional nonissuance of a warrant by the department to a grantee for any of the reasons listed in § 67:40:14:02;~~

~~—— (2) Suspension of grant: the temporary withdrawal by the department of the grantee's authority to obligate grant funds pending corrective action by the grantee or a decision to terminate the grant. A grant may be suspended in whole or in part for any of the reasons listed § 67:40:14:03; and~~

~~—— (3) Termination of grant: the permanent withdrawal by the department of the grantee's authority to obligate previously awarded grant funds before that authority would otherwise expire or the voluntary relinquishment of that authority by the grantee. The department may terminate a grant for any of the reasons listed in § 67:40:14:03.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:14:02. Withholding of payments. The department may withhold payment of the federal and state share of the grant for any one of the following reasons:~~

~~—— (1) The department does not have a signed and accepted notification of approved budget in the grant file;~~

~~—— (2) The department has not received the required reports by the due date;~~

~~—— (3) The grantee has not responded to a request for clarification of a previously submitted report;~~

~~—— (4) The grantee has not returned a completed plan of correction by the due date; and~~

~~—— (5) The grantee has not reported its proportionate share of required local match in comparison to the total year-to-date expenditures.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-References:~~

~~—— Notification of approval -- Acceptance, § 67:40:06:07.02.~~

~~—— Project reporting, ch 67:40:03.~~

~~—— Assessment recommendations and plans of correction, § 67:40:13:03.~~

~~—— Nonfederal matching requirements, § 67:40:06:04.~~

~~67:40:14:03. Suspension of grant -- Notice. The department may suspend a grant for any one of the following reasons:~~

~~—— (1) The grantee has not completed and submitted two successive monthly financial reports;~~

~~—— (2) The grantee has not completed and submitted two successive monthly statistical reports;~~

~~—— (3) The grantee has not reported sufficient match within 30 days of being advised by the department that the match reported is insufficient;~~

~~—— (4) The grantee is over 30 days late in submitting a plan of correction to the department;~~

~~—— (5) Any assessment recommendation has appeared in two assessment reports, consecutive or not, without the completion of corrective action by the grantee;~~

~~—— (6) The grantee has failed to deliver services as listed in the approved application;~~

~~—— (7) The grantee has refused federal or state representatives access to records pertaining to the grant; or~~

~~—— (8) The grantee has not complied with any other terms of the grant.~~

~~—— The department shall give the grantee written notice of a suspension and the reasons for it at least five working days before the suspension's effective date. The notice shall include a statement that termination will occur if the problem causing the suspension is not corrected within 30 days.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; transferred from § 67:40:06:17, 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:14:04. Termination of grant -- Notice. If a problem that caused suspension of a grant is not corrected within 30 days after the suspension, the department may terminate the grant. The department shall give the grantee written notice of termination and the reasons for it at least five working days before the effective date of the termination.~~

~~—— Source: 1 SDR 53, effective January 28, 1975; 7 SDR 66, 7 SDR 89, effective July 1, 1981; transferred from § 67:40:06:18, 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:14:05. Appeals procedures. Procedures to appeal adverse actions are listed in chapter~~

~~67:17:02.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:15

### ADULT DAY CARE SERVICES

(Repealed)

#### Section

~~67:40:15:01—Definitions.~~

~~67:40:15:02—General grantee responsibilities.~~

~~67:40:15:03—Grantee responsibilities for individual participants.~~

~~67:40:15:04—Eligibility—Adult day care.~~



~~67:40:15:01. Definitions. Terms used in this chapter mean:~~

~~—— (1) "Adult day care center," a facility that provides regular care and supervision to adults away from their home for a part of a 24-hour day; and~~

~~—— (2) "Adult day care unit of service," one hour of regularly scheduled activity in a supervised group setting for an eligible person.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:15:02. General grantee responsibilities. An adult day care grantee has the following general responsibilities:~~

- ~~—— (1) Documenting the units of service provided by listing the hours, date, and activities of all participants;~~
- ~~—— (2) Posting a monthly schedule of activities, in a prominent place in the facility, listing by date the planned activities;~~
- ~~—— (3) Exploring and utilizing as much as possible other available community resources as a regular part of the program;~~
- ~~—— (4) Operating a minimum of 6 hours a day for a minimum of 5 days a week;~~
- ~~—— (5) Providing care and services throughout all hours participants are present at the program;~~
- ~~—— (6) Working with medical, social, and mental health organizations to obtain referrals;~~
- ~~—— (7) Developing a staff training plan which includes first aid and cardiopulmonary resuscitation training for all staff;~~
- ~~—— (8) Developing and implementing a written plan for handling medical and nonmedical emergencies and displaying the plan prominently in the facility;~~
- ~~—— (9) Conducting periodic fire and other emergency evacuation drills and documenting the date each drill was conducted; and~~
- ~~—— (10) Providing a minimum of ten hours of nursing in the facility per month to provide general consultation and health screening services.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:15:03. Grantee responsibilities for individual participants. For each participant, the adult day care grantee shall do the following:~~

- ~~—— (1) Maintain an individual case folder;~~
- ~~—— (2) Assess the individual's needs before enrollment, including the reasons the participant requires day care services;~~
- ~~—— (3) Develop a written service plan which meets the needs of the participant as determined in the assessment;~~
- ~~—— (4) Involve the individual's family and other agency professionals in the development of the case service plan;~~
- ~~—— (5) Reassess the service plan semiannually to ensure that the service plan meets the needs of the participant;~~
- ~~—— (6) Develop a written monthly program plan for each individual which includes a participant activity schedule, the days of the week each activity is conducted, and the length of time the individual spends in each activity;~~
- ~~—— (7) When open over the noon hour, provide a nutritious meal which meets one-third of the daily recommended dietary allowance; and~~
- ~~—— (8) Provide an opportunity for confidential participant donations.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:15:04. Eligibility -- Adult day care. Persons 60 years and older who are not capable of full-time independent living because of physical, social, or mental impairment but do not need 24-hour institutional care are eligible for adult day care services.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

CHAPTER 67:40:17  
NUTRITION SERVICES

(Repealed)

Section

~~67:40:17:01 — Definitions.~~

~~67:40:17:02 — Eligibility for congregate nutrition services.~~

~~67:40:17:03 — Requirements of congregate nutrition service grantees.~~

~~67:40:17:04 — Eligibility for homebound nutrition services.~~

~~67:40:17:05 — Homebound due to physical incapacities.~~

~~67:40:17:06 — Homebound due to emotional, mental, or social conditions.~~

~~67:40:17:07 — Homebound due to isolation.~~

~~67:40:17:08 — Requirements of home-delivered nutrition service providers.~~

~~67:40:17:01. Definitions. Terms used in this chapter mean:~~

~~—— (1) "Congregate meal unit of service," the providing of one nutritious meal to an eligible participant within a facility designated as an elderly nutrition program meal site;~~

~~—— (2) "Congregate nutrition services," meals provided to older persons in a group setting;~~

~~—— (3) "Home-delivered meals," meals delivered to a homebound older person;~~

~~—— (4) "Home-delivered meal unit of service," the providing of one nutritious meal delivered and served to an eligible homebound participant at the participant's residence;~~

~~—— (5) "Nutrition education unit of service," the presentation of consumer and health-related information on foods and nutrition per participant; and~~

~~—— (6) "Nutrition outreach unit of service," one personal contact with an older person for the purposes of explaining the elderly nutrition program and encouraging participation.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:02. Eligibility for congregate nutrition services. The following individuals are eligible for congregate nutrition services:~~

- ~~—— (1) An individual who is at least 60 years old;~~
- ~~—— (2) If living together, the spouse of an individual who is at least 60 years old;~~
- ~~—— (3) An individual with a disability who resides in a housing facility at which congregate nutrition services are provided or resides with an individual who is at least 60 years old; and~~
- ~~—— (4) At the grantee's option, an individual who volunteers more than one hour a day at the nutrition site.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:03. Requirements of congregate nutrition service grantees. Congregate nutrition service grantees must do the following:~~

- ~~—— (1) Provide at least one meal a day at least five days a week;~~
- ~~—— (2) Provide meals which assure a minimum of one-third of the daily recommended dietary allowances;~~
- ~~—— (3) Locate congregate nutrition services as close as possible and, where feasible and appropriate, within walking distance to the majority of eligible older persons;~~
- ~~—— (4) Keep accurate records of the total number of meals served and the total number of unduplicated participants served;~~
- ~~—— (5) Keep a daily record of the names of the participants served;~~
- ~~—— (6) Provide an opportunity for confidential participant donations;~~
- ~~—— (7) Establish a procedure for obtaining input and anonymous evaluations from participants;~~
- ~~—— (8) Collect the full cost of a meal served to each ineligible person, excluding paid staff;~~
- ~~—— (9) Provide nutrition outreach to eligible nonparticipants within the service area;~~
- ~~—— (10) Provide nutrition education to participants;~~
- ~~—— (11) Provide in-service training on nutrition education and sanitation standards to staff;~~
- ~~—— (12) Ensure that the facility meets safety and sanitation requirements of chapter 44:02:01;~~
- ~~—— (13) Provide special menus to meet particular dietary needs arising from the health requirements, religious requirements, or ethnic background of eligible participants;~~
- ~~—— (14) Provide food containers and utensils for blind and handicapped participants upon request;~~
- ~~—— (15) Accept and use United States Department of Agriculture food made available by the department;~~



~~—— (16) Spend United States Department of Agriculture cash received from the department only for buying food produced in the United States;~~

~~—— (17) Assist participants in taking advantage of benefits available to them under the food stamp program by coordinating activities with food stamp providers;~~

~~—— (18) Provide the department with menus two weeks before serving;~~

~~—— (19) Establish a site advisory council for each congregate nutrition site; and~~

~~—— (20) Develop a suggested contribution schedule for participant donations based on the income ranges of older persons in the community. A means test may not be used.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:04. Eligibility for homebound nutrition services. The following individuals are eligible for homebound nutrition services:~~

~~—— (1) An individual who is at least 60 years old and is homebound because of a physical incapacity or an emotional, mental, or social condition;~~

~~—— (2) The spouse of an individual who is at least 60 years old, if living together and if the meal is in the best interest of the homebound person; and~~

~~—— (3) An individual with a disability who resides with an individual who is at least 60 years old, if the meal is in the best interest of the homebound person.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 22 SDR 16, effective August 17, 1995.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:05. Homebound due to physical incapacities. A person is considered homebound when one or more of the following physical incapacities exist:~~

- ~~—— (1) Lack of physical strength;~~
- ~~—— (2) Grossly impaired vision or hearing;~~
- ~~—— (3) Bedridden;~~
- ~~—— (4) Dependence upon life support systems;~~
- ~~—— (5) Inability to control bodily functions; and~~
- ~~—— (6) Debilitating illness.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:06. Homebound due to emotional, mental, or social conditions. A person is considered homebound when any one or more of the following emotional, mental, or social conditions exist:~~

- ~~—— (1) Inability to function within a group of people;~~
- ~~—— (2) Dependence upon addictive drugs; or~~
- ~~—— (3) Disruptive behavior in a congregate setting.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:07. Homebound due to isolation. A person is considered homebound when any one~~

~~or more of the following isolating conditions exist:~~

~~—— (1) Remote geographic location; or~~

~~—— (2) Lack of transportation.~~

~~—— Source: 10 SDR 113, effective April 30, 1984.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:17:08. Requirements of home-delivered nutrition service providers. In addition to the provisions of subdivisions 67:40:17:03(2), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), and (20), home-delivered nutrition service providers must do the following:~~

- ~~—— (1) Provide at least one home-delivered meal a day, five or more days a week;~~
- ~~—— (2) Assess the need for home-delivered meals for each applicant within five working days after the request for a home-delivered meal, with recipient reassessments every six months;~~
- ~~—— (3) Make arrangements for the availability of meals to older persons in weather-related emergencies; and~~
- ~~—— (4) With the consent of the older person or the person's representative, bring to the attention of appropriate officials conditions or circumstances which place the older person or the household in imminent danger.~~

~~—— Source: 10 SDR 113, effective April 30, 1984; 14 SDR 85, effective December 21, 1987.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

## CHAPTER 67:40:18

### RESPITE CARE SERVICES

(Repealed)

#### Section

~~67:40:18:01 — Definitions.~~

~~67:40:18:02 — Persons eligible for respite care.~~

~~67:40:18:03 — Priority for services.~~

~~67:40:18:04 — Priority of applications.~~

~~67:40:18:05 — Respite care settings.~~

~~67:40:18:06 — Provider relationship with client prohibited.~~

~~67:40:18:07 — Covered services.~~

~~67:40:18:08 — Services not covered.~~

~~67:40:18:09 — Needs assessment and evaluation for respite care.~~

~~67:40:18:10 — Plan for respite care services.~~

~~67:40:18:11 — Limit on number of service hours.~~

~~67:40:18:12 — Cost sharing for respite care services.~~

~~67:40:18:12.01 — Resource limits.~~

~~67:40:18:13 — Inclusions in gross income.~~

~~67:40:18:14 — Exclusions from gross income.~~

~~67:40:18:15 — Consideration of certain resources.~~

~~67:40:18:16 — Discontinuance of services.~~

67:40:18:01. Definitions. Terms used in this chapter mean:

- ~~—— (1) "Activities of daily living," tasks performed routinely by a person to maintain physical functioning and personal care, including transferring, moving about, dressing, grooming, toileting, and eating;~~
- ~~—— (2) "Client," a dependent person at risk of being institutionalized and presently unable to live independently;~~
- ~~—— (3) "Economic resources," the client's own resources together with other types of assistance, financial or otherwise, which are available to a client and would help maintain the client in the client's own home;~~
- ~~—— (4) "Health status," the client's medical condition based on a diagnosis of the client's existing illnesses or disabilities, the medical care and medications needed in response to the diagnosis, and an assessment of the client's ability to perform daily tasks;~~
- ~~—— (5) "Home," the client's residence which may not include a nursing facility, hospital, assisted living facility, penal institution, detention center, school, intermediate care facility for the mentally retarded, or an institution that treats individuals who have mental diseases;~~
- ~~—— (6) "Home environment," the client's dwelling unit, building, or house and its furnishings and the neighborhood in which the client resides;~~
- ~~—— (7) "Needs assessment and evaluation," a procedure for evaluating a client for respite care;~~
- ~~—— (8) "Personal adjustment," the indicators of an individual's mood, judgment, and memory which are essential to remaining independent;~~
- ~~—— (9) "Primary caregiver," an individual who provides a client with continuous at-home care at no cost;~~
- ~~—— (10) "Provider," the person who provides respite care services;~~



~~—— (11) "Respite care," temporary relief for primary caregivers to prevent individual and family breakdown, institutionalization of the person being cared for, or abuse by the primary caregiver as a result of stress from giving continuous support and care to a dependent person; and~~

~~—— (12) "Social resources," support or assistance available to a client from family, friends, neighbors, community organizations such as churches, civic groups, or senior centers, or other agencies providing services to residents of the community.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 13 SDR 193, effective June 22, 1987; 23 SDR 92, effective December 10, 1996; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:02. Persons eligible for respite care. An individual may be eligible for respite care if the individual meets the following criteria:~~

- ~~—— (1) The individual is at least 18 years old;~~
- ~~—— (2) The needs assessment and evaluation plan indicates a need for respite care; and~~
- ~~—— (3) The individual has a primary caregiver.~~

~~—— Source: 13 SDR 3, effective July 20, 1986.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:03. Priority for services. Priority for respite care services is determined in the following order:~~

~~—— (1) Individuals who are at least 60 years of age, or if under age 60, meet the other requirements of this section;~~

~~—— (2) Individuals who are in jeopardy of being placed into a nursing or assisted living facility within 30 days;~~

~~—— (3) Individuals whose primary caregiver bears the total burden of providing care and as a result is exhibiting physical, psychological, or financial stress; and~~

~~—— (4) Individuals who have located a provider who will be available to provide the respite care services needed.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:04. Priority of applications. If requests for respite care services cannot be honored because of the unavailability of services, applicants whose demonstrated need includes immediate peril of leaving their home or family shall be the first to receive respite care services regardless of the date of application.~~

~~— All other eligible applicants for respite care who cannot receive service because of its unavailability shall be placed on a waiting list in order of date of application for services. A change in an applicant's condition may warrant a change in priority.~~

~~— Source: 13 SDR 3, effective July 20, 1986.~~

~~— General Authority: SDCL 28-1-45.~~

~~— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:05. Respite care settings. Respite care services may be provided in the following settings:~~

- ~~—— (1) In the client's home as long as the primary caregiver lives in the client's home;~~
- ~~—— (2) In the primary caregiver's home;~~
- ~~—— (3) In the respite care provider's home; or~~
- ~~—— (4) With prior approval from the department, in another type of community setting such as adult day care.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 18 SDR 176, effective April 26, 1992.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:06. Provider relationship with client prohibited. A client's spouse, parent, or child may not be a respite care provider. Another family member may be a provider if the family member is neither living with the client nor receiving compensation as the client's caregiver.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:07. Covered services. Covered services may include any of the following:~~

- ~~—— (1) Companionship;~~
- ~~—— (2) Involvement in the client's activities of daily living;~~
- ~~—— (3) Recreational activities;~~
- ~~—— (4) Meal preparation;~~
- ~~—— (5) Transportation;~~
- ~~—— (6) Light housekeeping and personal hygiene tasks only when care is required over several days and as long as the services are essential to the client's health and comfort in the home; and~~

~~—— (7) Additional tasks or duties specified in the client's plan for respite care service.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:08. Services not covered. Services which are not covered under respite care include skilled nursing services and the administration of medications. Medications may only be administered by a registered nurse, licensed practical nurse, or a medication aide.~~

~~—— Source: 13 SDR 3, effective July 20, 1986.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-References: Nurses, art 20:48; Qualifications of medication aide, § 44:04:08:09.~~



~~67:40:18:09. Needs assessment and evaluation for respite care. The department shall assess the respite care service needs of the client with the goal of improving or stabilizing the client's condition thereby lessening or eliminating the client's dependence on the respite care services. The department shall reassess the client's condition and the continued need for services at least once every six months. In determining continuing need, the department shall consider the client's ability to complete tasks and whether other resources are available to provide the needed services. The needs assessment and evaluation shall also consider information provided by the client in the following areas:~~

- ~~—— (1) Social resources;~~
- ~~—— (2) Home environment;~~
- ~~—— (3) Health status;~~
- ~~—— (4) Activities of daily living;~~
- ~~—— (5) Personal adjustment; and~~
- ~~—— (6) Economic resources.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 13 SDR 193, effective June 22, 1987; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:10. Plan for respite care services. The department in cooperation with the client, the primary caregiver, and the respite care provider shall develop a plan for respite care services. The plan shall be based on the client's needs assessment and evaluation. The department shall retain a copy of the plan in the client's file. The plan shall be reviewed every six months. The plan shall contain the following information;~~

- ~~—— (1) The total number of respite care hours approved in each quarter;~~
- ~~—— (2) The scheduled use of hours;~~
- ~~—— (3) A description of the approved tasks or duties of the respite care provider; and~~
- ~~—— (4) The cost-sharing amount determined under § 67:40:18:12.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 18 SDR 176, effective April 26, 1992.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:11. Limit on number of service hours. An individual qualifying for services under this chapter may not receive more than 210 hours of respite care services a quarter.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 22 SDR 16, effective August 17, 1995; 23 SDR 92, effective December 10, 1996; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:12. Cost sharing for respite care services. The department shall charge a copayment for respite care services. The copayment is based on the individual's income with the copayment calculated on the cost of the respite care services provided. The amount of the copayment is assessed according to the following schedule:~~

<del>LEVEL OF INCOME</del>	<del>COPAYMENT</del>
<del>— 1 - 100 percent of the federal poverty level</del>	<del>— 0 percent</del>
<del>101 - 122 percent of the federal poverty level</del>	<del>— 5 percent</del>
<del>123 - 144 percent of the federal poverty level</del>	<del>— 10 percent</del>
<del>145 - 165 percent of the federal poverty level</del>	<del>— 15 percent</del>
<del>166 - 187 percent of the federal poverty level</del>	<del>— 20 percent</del>
<del>188 - 209 percent of the federal poverty level</del>	<del>— 30 percent</del>
<del>210 - 231 percent of the federal poverty level</del>	<del>— 40 percent</del>
<del>232 - 253 percent of the federal poverty level</del>	<del>— 50 percent</del>
<del>254 - 275 percent of the federal poverty level</del>	<del>— 60 percent</del>
<del>276 - 297 percent of the federal poverty level</del>	<del>— 80 percent</del>
<del>298 - 318 percent of the federal poverty level</del>	<del>— 90 percent</del>
<del>319 and over</del>	<del>100 percent</del>

~~—— Source: 13 SDR 3, effective July 20, 1986; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~—— Cross-Reference: Federal poverty level, § 67:11:01:03.~~

~~67:40:18:12.01. Resource limits. The department may not participate in the cost of services if the household's resources exceed \$30,000 for a household composed of a single individual or \$35,000 for a household composed of a married couple. These limits apply regardless of whether one spouse or both are in need of services.~~

~~—— Source: 23 SDR 92, effective December 10, 1996; 26 SDR 109, effective March 5, 2000.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

67:40:18:13. Inclusions in gross income. Gross income includes those sums of money received from the following sources at the time of application or redetermination of eligibility:

—— (1) Money wages or salary, such as the total money earnings received for work performed as an employee, including wages, salary, armed forces pay, commissions, tips, price rate payments, and cash bonuses earned, before deductions are made for taxes, bonds, pensions, union dues, and similar purposes;

—— (2) Net income from farm self-employment, such as gross receipts minus operating expenses from the operation of a farm by a person as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, government crop liens, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed, other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes which are not state and federal income taxes, and similar expenses. The value of fuel, food, or other farm products used for family living are not included as part of net income;

—— (3) Social security, including social security pensions and survivor's benefits, permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance, and railroad retirement insurance checks from the United States government;

—— (4) Dividends; interest on savings or bonds; income from estates or trusts; net rental income or royalties, including dividends from stockholdings or membership in associations; periodic receipts from estates or trust funds; net income from rental of a house, store, or other property to others; and receipts from boarders or lodgers;

—— (5) Public assistance or welfare payments, including aid to families with dependent children, supplemental security income, state supplemental payments, and general assistance;

~~—— (6) Pensions and annuities, including pensions or retirement benefits paid to a retired person or the person's survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance;~~

~~—— (7) Unemployment compensation, including compensation received from government unemployment and strike benefits received from union funds;~~

~~—— (8) Worker's compensation, including compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the person;~~

~~—— (9) Alimony;~~

~~—— (10) Child support;~~

~~—— (11) Veterans' pensions, including money paid periodically by the Veterans Administration to disabled members of the armed forces or to survivors of deceased veterans; subsistence allowances paid to veterans for education and on-the-job training; and refunds paid to former servicemen, such as government insurance premiums;~~

~~—— (12) Net income from nonfarm self-employment, calculated as gross receipts minus operating expenses from one's own business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Operating expenses include the costs of goods purchased, rent, heat, lights, power, depreciation charges, wages and salaries paid, business taxes, excluding personal income taxes, and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income; and~~

~~—— (13) Income received as a result of a lawsuit.~~

~~—— Source: 13 SDR 3, effective July 20, 1986; 20 SDR 170, effective April 18, 1994.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:14. Exclusions from gross income. Excluded from the computation of gross income are the following:~~

~~—— (1) Per capita payments to or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims;~~

~~—— (2) Payments made pursuant to the Alaska Native Claims Settlement Act to the extent that such payments are exempt from taxation under 43 U.S.C. § 1620;~~

~~—— (3) Money received from sale of property, such as stocks, bonds, a house, or a car, unless the person was engaged in the business of selling such property in which case the net proceeds shall be counted as income from self-employment;~~

~~—— (4) Withdrawals of bank deposits;~~

~~—— (5) Money borrowed;~~

~~—— (6) Tax refunds;~~

~~—— (7) Gifts, except those gifts received by college students from parents if either or both of the following situations exist:~~

~~—— (a) The student's permanent residence is in the parents' home;~~

~~—— (b) The parents have claimed the college student as a tax deduction;~~

~~—— (8) Lump sum inheritances or insurance payments. This does not include money received as a result of a lawsuit;~~

~~—— (9) Capital gains;~~

~~—— (10) The value of the household's food stamps allotment determined under the provisions of article 67:13;~~

~~—— (11) The value of food donated by the United States Department of Agriculture;~~

~~—— (12) The value of supplemental food assistance under the Child Nutrition Act of 1966 as in effect on January 1, 1994, and the special food service program for children under the National School Lunch Act, as amended through January 1, 1994;~~



- ~~—— (13) Payments received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as in effect on January 1, 1994;~~
- ~~—— (14) Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs. This exclusion does not apply to money received by veterans under the GI Bill educational training program or the Veterans' Administration vocational rehabilitation program. All money paid to veterans under these programs are considered as income regardless of the purpose of the payment;~~
- ~~—— (15) Grants or loans to an undergraduate student for educational purposes made or insured under a program administered by the secretary of education under the Higher Education Act;~~
- ~~—— (16) Home produce used for household consumption;~~
- ~~—— (17) Earnings of a child under 14 years of age; and~~
- ~~—— (18) Total medical expenses which exceed \$35 a month and will not be reimbursed by insurance. If the household has been or will be reimbursed for the medical expense, only the nonreimbursable portion may be deducted. Medical expenses include the following:~~
- ~~—— (a) Medical and dental care such as clinic visits, laboratory fees, tests, X rays, and dentures;~~
- ~~—— (b) Prescription drugs when ordered by a physician. Over the counter drugs are not allowable;~~
- ~~—— (c) Medical supplies and equipment when ordered by a physician;~~
- ~~—— (d) Optometric care, including the purchase of eyeglasses, eye examinations, lenses, and repairs;~~
- ~~—— (e) Health, hospitalization, and medical insurance premiums; and~~
- ~~—— (f) Up to \$250 a month for wages paid by the client or the family for the client's needed caregiver services.~~

~~Source: 13 SDR 3, effective July 20, 1986; 20 SDR 170, effective April 18, 1994; 26 SDR 109, effective March 5, 2000.~~

~~General Authority: SDCL 28-1-45.~~

~~Law Implemented: SDCL 28-1-44.~~

~~67:40:18:15. Consideration of certain resources. If the household's resources include the items listed in this section, the department shall consider them countable as follows:~~

~~—— (1) Trusts. If a household member has the legal power to dissolve a trust or invade the principal and use the proceeds, the principal of the trust is considered a resource;~~

~~—— (2) Deposits in a bank, savings and loan, or similar institution whether in the form of a checking or savings account or a certificate of deposit. Deposits held in joint accounts are considered available to the household if a household member has control or can direct the disposition of funds from the accounts. Accounts held in joint ownership are divided equally among the owners;~~

~~—— (3) Savings bonds to the extent of their current value. Bonds held in co-ownership with another person are considered available to the household if a member of the household is the actual purchaser or has the authority to cash the bond;~~

~~—— (4) Cash surrender value of life insurance. The total cash surrender value of the household's life insurance policies is considered available to the household if the total face value of all of the policies added together exceeds \$5,500 for a household composed of a single individual or \$11,000 for a household composed of a married couple whether one or both are in need of services; and~~

~~—— (5) Investments. Stocks; mutual fund shares; promissory notes; mortgages; or municipal, corporate, or government bonds owned by a household member which can be sold or discounted are considered available to the household in the amount for which they can be sold or discounted. The amount must be the highest estimated money price which the stocks, notes, mortgages, or bonds will bring if offered for sale on the open market.~~

~~—— Source: 20 SDR 170, effective April 18, 1994.~~

~~—— General Authority: SDCL 28-1-45.~~

~~—— Law Implemented: SDCL 28-1-44.~~

~~67:40:18:16. Discontinuance of services. The department may discontinue services provided under this chapter when the department exhausts its resources for providing the services, the client can no longer benefit from the services provided, or the client's or the provider's health or safety would be jeopardized if the services were continued. Specific reasons for discontinuing services include the following:~~

~~—— (1) The client's medical needs may require daily nursing. Indications are the client experiencing falls, failing to take needed medication, or suffering from uncontrolled tuberculosis or two people are needed to move the client;~~

~~—— (2) The client is sexually harassing, verbally abusive, threatening, or combative towards the person delivering services;~~

~~—— (3) The client's care plan exceeds the limits of the in-home care limits;~~

~~—— (4) The client's living environment presents health and fire hazards or unsafe conditions for the person delivering services;~~

~~—— (5) The client's family and individuals from other support systems have discontinued providing care or are unable to provide the care needed;~~

~~—— (6) The client is not in compliance with the case service plan;~~

~~—— (7) The client's cognitive ability is limited to the extent that the client is not oriented to person, place, or time;~~

~~—— (8) The client is not capable of self-preservation in an emergency;~~

~~—— (9) The client's condition has improved and no longer meets program eligibility;~~

~~—— (10) The client failed to contribute to the program as required;~~

~~—— (11) The client refuses to allow the service provider on the premises;~~

~~—— (12) The client or others in the household are under the influence of drugs or alcohol; or~~

~~—— (13) The client has pornographic materials exhibited in the home.~~

~~—— Source: 20 SDR 170, effective April 18, 1994; 28 SDR 96, effective December 30, 2001.~~

~~—— General Authority: SDCL 28-1-45.~~

— Law Implemented: SDCL 28-1-44.